

**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE**

Plaintiff(s)

BABA SULEMANA AND
ANISAH SULEMANA

vs.

Civil Action No:

Defendant(s)

SA-VIT ENTERPRISES, INC., SAVIT
COLLECTION AGENCY, JOHN
DOES I-III (Fictitious Individuals) and
ABC CORP I-V'S (Fictitious companies).

COMPLAINT AND JURY DEMAND

COMPLAINT AND DEMAND FOR JURY TRIAL

Baba Sulemana and Anisah Sulemana, Plaintiffs in the above entitled and captioned matter, by way of Complaint against the Defendants respectfully demand Judgment of this Honorable Court against each Defendant, as follows:

INTRODUCTION

1. This is an action for damages against all Defendants for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"). Plaintiff seeks actual damages, statutory damages, punitive damages, costs and attorney's fees pursuant to the FDCPA.

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k (d), 15 U.S.C. § 1681p (d), 28 U.S.C. § 1337, 28 U.S.C. § 1332. Declaratory relief is available pursuant to 28 U.S.C. § 2201 and 2202. Venue in this District is proper in that the conduct complained of occurred here, The Plaintiff resides here and it is the district where one or more Defendants do business. 28 U.S.C. § 1391.

PARTIES

3. Plaintiff, Baba Sulemana and Anisah Sulemana, are natural persons residing in Jersey City, New Jersey, Hudson County.
4. Defendants SA-VIT ENTERPRISES, INC., SAVIT COLLECTION AGENCY, JOHN DOES I-III and/or ABC Corp. I-V are domestic or foreign corporations engaged in the business of collecting debts in this state.
5. Defendants SA-VIT ENTERPRISES, INC., SAVIT COLLECTION AGENCY, JOHN DOES I-III and/or ABC Corp. I-V are "debt collectors" as defined by the FDCPA, 15 U.S.C. § 1692a (6).
6. All defendants are doing business in the State of New Jersey using a mailing address of P.O. Box 250 - East Brunswick, NJ 08816.

REQUEST FOR TRIAL BY JURY

7. Plaintiffs request a trial by jury.

REQUEST FOR EXEMPLARY/PUNITIVE DAMAGES

8. Plaintiffs respectfully request that this Court instruct the jury, as the trier of facts, that in addition to actual, statutory and/or compensatory damages, punitive or exemplary damages may be awarded against the Defendants under the provisions of the FDCPA .

REQUEST FOR COSTS OF LITIGATION AND ATTORNEY FEES

9. Plaintiffs respectfully request that this Court award Plaintiffs their litigation expenses and other costs of litigation and reasonable attorney fees incurred in this litigation, in accordance with the provisions of the FDCPA.

GENERAL FACTUAL BASIS

10. Defendants SA-VIT ENTERPRISES, INC., SAVIT COLLECTION AGENCY, JOHN DOES I-III and/or ABC Corp I-V wrongfully attempted to collect alleged medical bill debts which were not due and owing by placing these alleged debts as unpaid collection matters on Plaintiffs' credit reports in violation of the FDCPA, and sending the Plaintiffs dunning letters as follows:

- (a) In 2012, Plaintiff engaged Metropolitan Medical Associates for one of their associated doctors to perform a medical procedure on Plaintiff, Anisah Sulemana.
 - (b) The price that was quoted by Metropolitan Medical Associates was for one elective medical procedure and was based on certain criteria.
 - (c) Plaintiffs were insured under a medical health insurance plan for which Metropolitan Medical Associates required and accepted an assignment of benefits from the Plaintiffs.
 - (d) Metropolitan Medical Associates billed Plaintiffs' health insurance carrier twice for the same procedure on the same day using industry CPT billing codes.
 - (e) The first charge was processed and payment was made by the health insurance carrier. A \$143.20 deductible was applied.
 - (f) The second charge under the same date and CPT code was denied by the health insurance carrier.
 - (g) At some time thereafter, Metropolitan Medical Associates hired Defendants SA-VIT ENTERPRISES, INC., SAVIT COLLECTION AGENCY, JOHN DOES I-III and/or ABC Corp I-V to make collection efforts on both the deductible and the unauthorized charge.
 - (h) The Plaintiffs attempted to pay the deductible by remitting \$143.20 to Defendants SA-VIT ENTERPRISES, INC., SAVIT COLLECTION AGENCY, JOHN DOES I-III and/or ABC Corp I-V, however, the check was refused.
 - (i) Defendants SA-VIT ENTERPRISES, INC., SAVIT COLLECTION AGENCY, JOHN DOES I-III and/or ABC Corp I-V, reported negative and inaccurate information to the major reporting agencies.
11. Defendants SA-VIT ENTERPRISES, INC., SAVIT COLLECTION AGENCY, JOHN DOES I-III and/or ABC Corp I-V wrongfully contacted Plaintiffs demanding payment of bills to which their client was not legally entitled, in violation of the FDCPA on no less than three occasions.
12. As a result of Defendants' action, Plaintiffs have sustained economic, noneconomic and statutory damages including but not limited to denials of a mortgage, denials of credit, decreased credit score, increased interest rates and emotional distress.

13. Plaintiffs are "consumers" as defined by the FDCPA.
14. Defendants, SA-VIT ENTERPRISES, INC., SAVIT COLLECTION AGENCY, JOHN DOES I-III and/or ABC Corp I-V are domestic or foreign corporations authorized to and doing business in the State of New Jersey and are also "debt collectors" as defined by the FDCPA.
15. All conditions precedent to the bringing of this action have been performed, waived or excused.

VIOLATION OF THE FDCPA BY Defendants SA-VIT ENTERPRISES, INC., SAVIT COLLECTION AGENCY, JOHN DOES I-III and/or ABC Corp I-V

16. Plaintiff repeats and realleges and incorporates by reference paragraphs 1 through 15 above.
17. Defendants violated the FDCPA. Defendants' violations include, but are not limited to, the following:
 - (a) The Defendants violated 15 U.S.C. § 1692d by engaging in conduct with the intent to abuse or harass Plaintiff.
 - (b) The Defendants violated 15 U.S.C. § 1692e(2)(a) by misrepresenting the amount, character and status of a debt.
 - (c) The Defendants violated 15 U.S.C. § 1692e(5) by threatening to take actions which could not legally be taken.
 - (d) The Defendants violated 15 U.S.C. § 1692e(8) by communicating credit information which Defendant knew or should have known was false.
 - (e) The Defendants violated 15 U.S.C. § 1692e(10) by using false representations and deceptive means to attempt to collect a debt.
 - (f) The Defendants violated 15 U.S.C. § 1692f by attempting to collect a debt which Plaintiff did not owe.
18. As a result of the above violations of the FDCPA, the Defendants SA-VIT ENTERPRISES, INC., SAVIT COLLECTION AGENCY, JOHN DOES I-III and/or ABC Corp I-V are liable to the Plaintiff for declaratory judgment that their conduct violated the FDCPA, and Plaintiff's actual damages, statutory damages, punitive damages and costs and attorney's fees.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the

Defendants SA-VIT ENTERPRISES, INC., SAVIT COLLECTION AGENCY, JOHN DOES I-III and/or ABC Corp I-V for declaratory judgment that defendants' conduct violated the FDCPA, and declaratory and injunctive relief for such; actual damages; statutory damages pursuant to 15 U.S.C. § 1692k; punitive damages; costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k, and for such other and further relief as may be just and proper.

GREENBERG MINASIAN, LLC
Attorneys for the Plaintiff

Date: November 21, 2013

s/ William S. Greenberg
WILLIAM S. GREENBERG
GREENBERG MINASIAN, LLC
80 MAIN STREET
WEST ORANGE, NJ 07052
(973) 325-7711